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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,915	01/17/2006	Johannes Hendrikus Maria Spruit	NL030943	5359

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EXAMINER	
PENDLETON, DIONNE	
ART UNIT	PAPER NUMBER
2627	
MAIL DATE	DELIVERY MODE
03/19/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/564,915	SPRUIT ET AL.	
	Examiner	Art Unit	
	DIONNE H. PENDLETON	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 January 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 January 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claims 1-6** are rejected under 35 U.S.C. 102(b) as being anticipated by **Fukumoto (US 2003/0086346).**

Regarding claim 1,

Fukumoto teaches a method for setting an optimal value of a write power level of a radiation beam for use in an optical recording apparatus for writing information on an optical recording medium (20), the information being written on the optical recording medium by applying the radiation beam to the optical recording medium, the method comprising a first step **("S28" in figure 2)** of writing a series of test patterns in a test area on the optical recording medium, each test pattern written with a different value of the write power level of the radiation beam, a second step **("S30")** of reading the written test patterns to form corresponding read signal portions, and a third step **("S36")** of selecting the optimal value **(Px; also see [0042])** of the write power level in dependence on the read signal portions, characterized in that in the first step the series of test patterns are written at a low recording speed **(V1; also see [0041]:lines 5-8)**,

and that in the third step the optimal value of the write power level at a high recording speed **(Vx)** is selected in dependence on the read signal portions and on a parameter indicative of the relation **(β)** between the value of the write power level at the high recording speed **(Vx)** and the value of the write power level at the low recording speed **([0042]:lines 7-10)**.

Regarding claim 2,

Fukumoto teaches a method according to claim 1, wherein the parameter indicative of the relation between the value of the write power level at the high recording speed and the value of the write power level at the low recording speed (P.high/P.low) is read from the recording medium **([0028-0030] teach ATIP parameters used to generate a β value, said value used in determining OPL at high speed, given OPL at low speed; also see [0042-0043])**.

Regarding claim 3,

Fukumoto teaches an optical recording apparatus for recording information on an optical recording medium **(20)** comprising a radiation source **("LD" in pickup "28")** for emitting a radiation beam for recording information on the recording medium, the radiation beam having a controllable value of a write power level, a control unit **(24)** operative for recording a series of test patterns in a test area in the recording medium **([0006])**, each pattern with a different value of the write power level, a read unit **(30)** for reading the recorded test patterns and for forming corresponding read signal portions, and setting means **("S30" in Figure 2)** for setting an optimal value of the write power

level in dependence on the read signal portions, characterized in that the control unit **(24)** is operative for recording the series of test patterns in the test area in the recording medium at a low recording speed **("V1"; see "S28" in Figure 2),** and in that the setting means **("S36" in Figure 2)** are operative for setting an optimal value of the write power level at a high recording speed in dependence on the read signal portions and on a parameter indicative of the relation between the value of the write power level at the high recording speed and the value of the write power level at the low recording speed **(paragraphs [0041-0042]).**

Regarding claim 4,

Fukumoto teaches an apparatus according to claim 3, wherein the read unit is operative for reading the parameter indicative of the relation between the value of the write power level at the high recording speed and the value of the write power level at the low recording speed (P.high/P.low) from the recording medium **([0028-0030] teach ATIP parameters used to generate a β value, said value used in determining OPL at high speed, given OPL at low speed; also see [0042-0043])**.

Regarding claim 5,

Fukumoto teaches an optical recording medium comprising an area **("ATIP")** comprising recording parameters indicative of the recording process, said area comprising a parameter indicative of the relation between the value of the write power level at the high recording speed and the value of the write power level at the low recording speed **(see, parameters used to generate β value; also see [0043]**

wherein Fukumoto teaches that β is indicative of relation between power and recording speed).

Regarding claim 6,

Fukumoto teaches an optical recording medium according to claim 5, wherein the parameter is related to P.high/P.low, where P.high **("Vx")** is the optimum write power level at a high recording speed and P.low **("Vi")** is the optimum write power level at the OPC velocity **(paragraphs [0041-0042]).**

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIONNE H. PENDLETON whose telephone number is (571)272-7497. The examiner can normally be reached on 10:30-7:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dionne H Pendleton/
Examiner, Art Unit 2627

/Wayne R. Young/
Supervisory Patent Examiner, Art Unit 2627